

S/N 09/638,658

Response to Office Action Dated 1/26/2005

**REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1-27 are pending in this application.

**Request for Clarification**

Applicant notices some ambiguity of dates cited by the Office in the Office Action of January 26, 2005. Under "Status" on the Office Action Summary sheet, the Office states that the Office Action is "responsive to communications filed on August 22, 2004." The "Detailed Action" on page 2 of the Office Action states that the Office Action is responsive to communications filed on October 22, 2004. On page 6 of the Office Action, it states that "Applicant's arguments filed on February 12, 2004 have been fully considered but they are not persuasive." Applicant points out that Applicant's most recent substantive Office Action Response was filed by Applicant on June 22, 2004, and an RCE request for continued examination was filed on November 11, 2004. Neither of these two dates matches the three dates cited by the Office as just described.

The ambiguity of dates explained above raises the issue of whether Applicant's arguments filed on June 22, 2004 have been fully considered by the Office (in the Office Action it says that "Applicant's arguments filed on February 12, 2004 have been fully considered but they are not persuasive"). The Office's rejection of the claims in the Office Action of January 26, 2005 appears to use the same arguments copied verbatim from the Office Action mailed on November 10, 2003. Thus, although the current Office Action of January 26, 2005 (the Office Action being responded to herein) lists claim numbers for Applicant's most recent amended claims (in the "Detailed Action" section of the Office Action), the Office Action does not appear to acknowledge or respond to Applicant's *most recent*

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amendments and arguments. Thus, Applicant requests clarification in order to double-check that there was no mix-up in the papers sent from the Office on January 26, 2005. If there was a mix-up, Applicant requests a Supplemental Office Action.

### **Rejection of the Claims**

#### **Rejections under 35 USC § 102(a)**

The Patent Office rejected claims 1-25 and 27 under 35 USC § 102(a) as being anticipated by U.S. Patent No. 5,808,601 to Leah et al. (the "Leah reference" or "Leah"). These claims should be allowable over the Leah reference because Leah does not show or disclose all the elements of any one of Applicant's base claims 1, 8, 10, 16, 17, and 23.

#### **Claim 1**

Claim 1 defines a method for use in a graphical user interface, comprising:

determining an offset value between a selected object's position and an input position; and

dynamically and gradually reducing the offset value by correctively adjusting the input position with respect to the object's position in proportion to a movement of the selected object.

The Leah reference does not disclose one or more elements of Claim 1, and thus the Leah reference fails to support a 35 USC § 102 rejection.

Leah discloses a technique for selecting a non-moving visual object on a graphical user interface (GUI) (i.e., a screen). Leah does not disclose a

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technique that can be used with already selected objects. Likewise, Leah does not disclose a method that depends on movement of the object.

Specifically, Leah discloses a technique for widening the boundary around a visual object on a screen for purposes of making selection of the object easier—since the “selectable” or “clickable” object becomes bigger than the visual object. This greater footprint around an object on a GUI makes the object an easier target for selection by a pointing arrow of a mouse than an unadulterated object. Further, once a selection agent, such as the pointing arrow of a mouse, is inside the expanded boundary, the Leah technique instantly gravitates the selection agent (such as the mouse pointing arrow) to the center of the visual object. Hence, the Leah technique aims to make it easier to select an object.

Claim 1, on the other hand, in a first distinction from Leah, is directed to improving the feeling of user control and object appearance of an object that has already been selected (e.g., clicked on once by a mouse; or selected by touching the object, in a touch pad system). In a further distinction from Leah, the method of Applicant's claim 1 performs when the object is moving.

Hence, Applicant's claim 1 and the Leah technique can be considered mutually exclusive on two different counts. First, the Leah technique is for unselected objects while Applicant's method of claim 1 is for selected objects. Second, the Leah reference applies the Leah technique to unmoving objects. Applicant's method of claim 1, on the other hand, comes into play when the object is moving (e.g., being moved).

Applicant's responses to previous Office Actions elucidate the above differences in greater detail.

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Since Leah does not disclose one or more elements of claim 1, Applicant respectfully submits that claim 1 is allowable over the Leah reference.

Claims 2-7, and 9

For at least the reasons set forth above with respect to claim 1, Applicant submits that claims 2-7, and 9 are patentable over the Leah reference.

Dependent claims contain the language of the claims from which they depend. Claims 2-7, and 9 depend from claim 1. Therefore, claims 2-7, and 9 are also allowable.

Claim 8

Claim 8 defines a method for use in a graphical user interface. For at least the same reasons explained above with respect to method claim 1, Applicant submits that claim 8 is patentable over the Leah reference.

Claim 10

Claim 10 defines a computer-readable medium having computer-executable instructions for causing at least one processing unit to determine an offset value between a selected object's position and an input position, and in proportion to a movement of the selected object, dynamically and gradually reduce the offset value by correctively adjusting the input position with respect to the object's position.

For at least the same reasons explained above with respect to method claim 1, Applicant submits that claim 10 is patentable over the Leah reference.

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Claims 11-15

For at least the reasons set forth above with respect to claim 10, Applicant submits that claims 11-15 are patentable over the Leah reference. Dependent claims contain the language of the claims from which they depend. Claims 11-15 depend from claim 10. Therefore, claims 11-15 are also allowable.

Claim 16

Claim 16 defines a computer readable medium having computer-executable instructions for causing at least one processing unit to determine an offset value between a selected object's position and an input position; and dynamically and gradually reduce the offset value using a corrective function that selectively and incrementally reduces the offset in proportion to a movement of the selected object.

For at least the same reasons explained above with respect to claim 1, Applicant submits that claim 16 is patentable over the Leah reference.

Claim 17

Claim 17 defines an apparatus including logic to determine an offset value between a selected object's position and an input position, and dynamically and gradually reduce the offset value by correctively adjusting the input position with respect to the object's position in proportion to a movement of the selected object.

For at least the same reasons explained above with respect to claim 1, Applicant submits that claim 17 is patentable over the Leah reference.

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Claims 18-22, and 24-27

For at least the reasons set forth above with respect to claim 17, Applicant submits that claims 18-22, and 24-27 are patentable over the Leah reference. Dependent claims contain the language of the claims from which they depend. Claims 18-22, and 24-27 depend from claim 17. Therefore, claims 18-22, and 24-27 are also allowable.

Claim 23

Claim 23 defines an apparatus, including a display device having a plurality of pixels, an input device configured to generate updated positioning information within an input position, and logic operatively coupled to the display device and the input device and configured to determine an offset value between a selected object's position and the input position, and reduce the offset value using a corrective function that selectively and incrementally reduces the offset in proportion to a movement of the selected object based on the updated positioning information.

For at least the same reasons explained above with respect to claim 1, Applicant submits that claim 23 is patentable over the Leah reference.

Rejection Under 35 U.S.C. § 103(a)

Claim 26 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Leah in view of U.S. Patent No. 5,870,083 to Shieh (hereafter, "Shieh").

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Claim 26 depends from claim 20, which in turn depends from base claim 17. The features of claim 26, including the features of claims 20 and base claim 17 are not taught or suggested by Leah and/or Shieh, alone or in combination.

Base claim 17 as amended defines an apparatus comprising logic configured to determine an offset value between a selected object's position and an input position, and dynamically and gradually reduce the offset value by correctively adjusting the input position with respect to the object's position in proportion to a movement of the selected object. The Leah reference does not teach or suggest claim 17's element of dynamically and gradually reducing the offset value in proportion to a movement of the selected object. In fact, Leah teaches away from this element of claim 17 because Leah teaches that if a visually displayed pointer of an input device crosses a perimeter boundary calculated at a distance around the outside of the object (col. 5, lines 37-47), then the visually displayed pointer immediately moves at once to the "hot or selectable portion of the object" (col. 5, lines 56-63) (emphases added). No teaching or suggestion to move the displayed pointer in proportion to movement of the object is found in the Leah reference.

The Shieh reference teaches an apparatus including an input device with a touch screen, but Shieh does not teach or suggest claim 17's element of reducing the offset value in proportion to a movement of the selected object. The touch screen of Shieh does not add anything to the missing teaching (it too fails to teach or suggest the features of claim 17), hence the combination fails to produce a prima facie obviousness rejection.

Applicant respectfully requests that the obviousness rejection be removed from claim 26 and claim 26 be allowed.

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**CONCLUSION**

Applicants respectfully suggest that claims 1-27 are in condition for allowance. Applicants respectfully request reconsideration and issuance of the subject application. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

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